

Application No. 09/950,231

REMARKS

Claims 1-8 are pending and are rejected in the Office Action. No amendments are made to any claims.

Claims 1-4, 7, and 8 stand rejected under 35 USC § 102(e) and claims 5 and 6 stand rejected under 35 USC § 103(a) as being unpatentable over Swix et al. This rejection is respectfully traversed.

It is respectfully submitted that Swix et al. neither teaches nor suggests an advertisement delivery system with advertising segments interactively selected by the user as claimed by the present invention. In the present invention, each advertising segment is "selectively delivered to a viewer *in direct response to selection by the viewer*" of the selectable zone corresponding to that advertising segment. (emphasis added, page 10). In contrast, in the Swix et al. disclosure, "for advertisement selection in an interactive session, *profile processor 104 directs file server 102 to play an advertisement* that appeals to the interests of the subscriber and the demographic group". (emphasis added, col. 7, lines 36-39). The subscriber registration database or customer profile taught by Swix et al. cannot be said to select advertisements in *direct* response to selection by the viewer. Thus, the Swix et al. disclosure automatically chooses what advertisements a viewer will see based on the user's program viewing habits and the user is not able to individually select which advertisements to view, as claimed in independent claims 1, 7, and 8 of the present invention. As such, a *prima facie* case of anticipation has not been established for claims 1-4, 7, and 8.

Moreover, there is nothing in Swix et al. which corresponds to the selectable zones as taught and claimed by the present invention. The cited passages of Swix et al. at columns 5 and 6 provide no support for the "selectable zones" as taught and claimed.

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In addition, Swix et al. provides no suggestion or motivation for a modification as set forth in dependent claims 5 and 6. For the above reasons, a prima facie case of obviousness has not been established with regard to these claims.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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